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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,661	03/05/2002	Wilfried Kolbe	234/1/036	6114

7590 12/15/2003  
Richard M. Goldberg  
Suite 419  
25 East Salem Street  
Hackensack, NJ 07601

EXAMINER

FERGUSON, MARISSA L

ART UNIT PAPER NUMBER

2854

DATE MAILED: 12/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/090,661

Applicant(s)

KOLBE ET AL.

Examiner

Marissa L Ferguson

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 1, 2 and 4 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3 and 5-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3,5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sillars (WO 8,807,448) in view Rodi (US Patent 5,091,926).

Regarding claim 3, Sillars teaches a method and apparatus of printing comprising the steps of subdividing a printed image into elements (Pages 8-10 and figures 2-5), a feeder (Page 8), printing the elements with different printing cylinders (see elements 5,7 and 9), and a step of periodically shifting one of said printing cylinders off from a web (Page 15), however he does not explicitly disclose a shifting mechanism shifting at least a duration of one turn of a printing cylinder and a step of "on" and "off" adjustment movements and a control unit.

Rodi teaches a lift mechanism (34a and 34b) and a controller that shifts a roller for a determinate period of time and a plurality of steps of "on" and "off" adjustment movements (Column 10, Lines 31-42).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention taught by Sillars to include the lift mechanism as taught by Rodi for the purpose of preventing the printing cylinder from becoming soiled with ink.

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Also, regarding claim 3,5 and 6, Sillars teaches the claimed method and apparatus, he does not explicitly teach a step of a printing cylinder remaining constantly in an "on" position, a step of adjusting a plurality of printing cylinders "on" and "off" at timings that are offset such that an "on" adjustment of one printing cylinder occurs at a same longitudinal register, a step of printing elements having a length less than a peripheral length of a printing cylinder with a single printing cylinder and a step of timing "on" adjustments of the single printing cylinder such that the element printed thereby is inserted into a printed image in a predetermined direction. All the claimed steps can be controlled with a controller, as well as other various aspects of operation. Controllers are commonly used and well known in the art (Column 13, Lines 37-42). However, Rodi teaches a controller mechanism (35) that operates and controls all types of lifting functions.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention taught by Sillars to include a controller device as taught by Rodi for the purpose of reducing the amount of wetting agent and adjusting the speed of a printing apparatus.

2. Claims 7-12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sillars (WO 8,807,448) in view Rodi (US Patent 5,091,926) and Andersson et al. (US Patent 5,528,986).

Regarding claims 7,11 and 12, Sillars and Rodi both teach the invention except a cylinder with an axle and a drive motor (servomotor with displacement) connected to an axle. Andersson et al. teaches a cylinder with an axle (Column 6, Lines 39-42) and a

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drive motor (21 or 21' and Column 7, Lines 49-67 and Column 8, Lines 1-6) connected to an axle for maintaining a silent operation.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to further modify the invention taught by Sillars to include a motor and an axle as taught by Andersson et al. for the purpose of operating at a high efficiency.

Regarding claims 8-10, Sillars teaches the claimed method and apparatus, he does not explicitly disclose a shift mechanism that shifts "on" and "off" positions at least one printing cylinder less than 1 mm. As previously discussed, Rodi teaches a controller that controls and operates various functions. Controllers are able to control the timing and degree of separation between specific rollers (Column 13, Lines 37-41).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention taught by Sillars to include a controller device as taught by Rodi for the purpose of monitoring and controlling distances.

### ***Response to Arguments***

3. Applicant's arguments filed 9/2/03 have been fully considered but they are not persuasive. The applicant makes reference throughout the response that none of the references teach "a method of printing wherein a length of a printed image is larger than a peripheral length of a largest of one of the printing cylinders". However, this limitation is set forth in the preamble. The preamble of the claim has not been given any patentable weight because it has been held that a preamble is denied the effect of a

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limitation where the claim is drawn to a structure and the portion of the claim following the preamble is a self – contained description of the structure not depending for completeness upon the introductory clause. **Kropa v. Robie**, 88 USPQ 478 ( CCPA 1951).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa L Ferguson whose telephone number is (703) 305-3194. The examiner can normally be reached on (M-T) 6:30am-4:00pm and every other (F) 7:30am-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (703) 305-6619. The fax phone numbers for the organization where this application or proceeding is assigned are (703)

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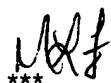
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308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

Marissa L Ferguson  
Examiner  
Art Unit 2854

  
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December 11, 2003

